

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT  
for the  
Northern District of Illinois

Oracle America, Inc.	)	
<i>Plaintiff</i>	)	
v.	)	Civil Action No. 3:10-cv-03561-WHA
	)	
Google, Inc.	)	(If the action is pending in another district, state where:
<i>Defendant</i>	)	Northern District of California)

**SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION**

To:

Motorola Mobility, Inc.  
600 North U.S. Highway 45, Libertyville, IL 60048

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:  
Schedule A

Place: Veritext, 1 North LaSalle Street, Suite 400, Chicago, Illinois	Date and Time: July 28, 2011 at 9:30 a.m.
--	--

The deposition will be recorded by this method: Recorded by stenographic means, videotaped, and transcribed using real time interactive transcription such as LiveNote

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 7/13/2011

CLERK OF COURT

OR



Signature of Clerk or Deputy Clerk

Attorney's signature

Roman A. Swoopes

The name, address, e-mail, and telephone number of the attorney representing (name of party) Oracle America, Inc., who issues or requests this subpoena, are:  
Roman A. Swoopes, Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304-1018  
Email: rswoopes@mofo.com; Ph: (650) 813-5600

**Schedule A**

**Definitions and Instructions**

1. “Google” refers to Google Inc. and Android, Inc., and their employees and other persons or entities acting on their behalf.
2. “Open Handset Alliance” refers to the Open Handset Alliance as referenced in <http://www.openhandsetalliance.com>, including each member, specification lead, technical lead, or other persons or entities authorized to act on its behalf.
3. “Motorola,” “you,” and “your” refer to Motorola Mobility, Inc.; other Motorola-affiliated entities; and their employees.
4. “Android” refers to the software platform for mobile devices as referenced in <http://www.openhandsetalliance.com>, <http://developer.android.com>, and <http://android.git.kernel.org>, and includes any versions thereof, and related public or proprietary source code, executable code, applications, and documentation.
5. “Motorola Android Devices” refers to devices that Motorola manufactures, sells, offers for sale, or imports that runs, is sold with, or is loaded with Android or software derived from Android. Examples include the Atrix 4G, Cliq, Cliq 2, Droid 2, Droid Pro, Droid X, Droid, Bravo, Flipside, Citrus, Defy, Charm, Backflip, Devour, Xoom, and i1.

**Topics of Deposition**

Pursuant to Federal Rule of Civil Procedure 30(b)(6), you are hereby directed, to designate one or more officers, directors, managing agents, or other persons who consent to testify on your behalf and who are most knowledgeable and competent to testify concerning the matters known or reasonably available to you as they relate to the specific topics listed below:

1. Each package and source code file Motorola retrieves from <http://android.git.kernel.org> for loading, installation, or execution on Motorola Android Devices, and any changes Motorola makes to those packages and source code files.
2. The extent to which Motorola uses the Android dx tool, and whether Motorola has made any modifications to that tool.